

### **REMARKS**

Claims 1-20 are pending.

Claim 21 has been added.

In the Office Action mailed June 25, 2009, claims 1-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yao (U.S. Patent No. 5,983,099) in view of Leppisaari (U.S. Patent No. 7,366,155).

Independent claim 1 has been amended to recite that the pre-allocated resources include resources relating to a link with a predetermined quality of service. Support for this amendment can be found at least in the following passages of the specification: page 9, ¶¶ [0036] and [0039]. It is respectfully submitted that claim 1 is non-obvious over Yao in view of Leppisaari.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as held by the U.S. Supreme Court, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Here, it is respectfully submitted that even if Yao and Leppisaari could be hypothetically combined, the hypothetical combination of the references would not have led to at least the following subject matter of claim 1, in combination with the other elements of claim 1: pre-allocating resources to a packet-switched real-time, interactive communications application, where the pre-allocated resources include resources relating to a link with a predetermined quality of service. Yao relates to pre-allocating a path for a traditional circuit-switched PTT (press-to-talk) application. There is absolutely no hint in Yao of pre-allocating resources that include resources relating to a link with a predetermined quality of service, since a link with a predetermined quality of service is completely irrelevant to circuit-switched communications.

Although Leppisaari refers to allocating radio resources in a packet-switched data transmission system (Leppisaari, Abstract), it is noted that such allocation of radio resources is for establishing a TBF (temporary block flow) connection, using either one-phase access or two-phase access. There is no hint given in Leppisaari of pre-allocating resources that include resources relating to a link with a predetermined quality of service.

Therefore, it is respectfully submitted that even if Yao and Leppisaari could be hypothetically combined, the hypothetical combination of the references would not have led to the claimed subject matter.

Moreover, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Yao and Leppisaari. Significantly, note that Leppisaari describes allocating radio resources in response to one-phase access or two-phase access, when a mobile station requires access of a network to send packet information. As specifically noted by Leppisaari, the TBF connection is released when no data is to be transmitted. Leppisaari, 8:22-25. When there again is data to be transmitted, the wireless terminal will again use an access procedure for establishing a new TBF connection. *Id.*, 8:25-27.

Thus, what Leppisaari would have taught a person of ordinary skill in the art is that the establishment of a TBF connection is performed when there is actual data to send. Leppisaari would have led a person of ordinary skill in the art away from pre-allocating resources, including pre-allocating resources that include resources relating to a link with a predetermined quality of service.

In view of the foregoing, it is clear that no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Yao and Leppisaari to achieve the claimed subject matter.

Claim 1 is therefore non-obvious over Yao and Leppisaari.

Independent claims 13 and 19 are allowable for similar reasons as claim 1.

Dependent claims, including newly added dependent claim 21, are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing, allowance of all claims is respectfully requested.

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The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (16853RRUS06N).

Respectfully submitted,

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